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July 27, 2005

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Federal Communications Commission  
Office of Secretary

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems - ET Docket No. 00-258*

*Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands - IB Docket No. 02-364*

*Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands - WT Docket No. 03-66*

*Application of Globalstar LLC for Authority to Implement an Ancillary Terrestrial Component for the Globalstar above 1 GHz, or Big LEO, Mobile Satellite Service (MSS) System (Call Sign ES2115) - File No. SAT-MOD-20050301-00054*

*Application of Globalstar USA, LLC for Modification of Blanket License Authorization for Mobile Earth Station Terminals (Call Sign E970381) - File No. SES-MOD-20050301-00261*

**NOTICE OF ORAL EX PARTE COMMUNICATION**

Dear Ms. Dortch: \_\_\_\_\_

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are writing to advise that yesterday Robert D. Primosch and the undersigned, representing the Wireless Communications Association International, Inc. ("WCA"), met with William Bell, Lisa Cacciatore, Jennifer Gorny, Howard Griboff, Shabnam Javid, Andrea Kelly, Scott Kotler, Kal Krautkramer, Paul Locke, and Cindy Spieks of the International Bureau, and with Uzoma

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Onyeije, John Schauble, Thomas Stanley, Joel Taubenblatt, and Stephen Zak of the Wireless Telecommunications Bureau, to discuss WCA's opposition to an immediate grant of Globalstar's above-referenced applications for an Ancillary Terrestrial Component ("ATC").<sup>1</sup> The discussion also touched on other issues relating to the involuntary relocation of Broadband Radio Service ("BRS") channel 1 and 2 licensees from the 2150-2162 MHz band to the replacement spectrum designated for them in the new 2.5 GHz bandplan to create auctionable spectrum for Advanced Wireless Services ("AWS") in the 2110-2155 MHz band.

At the outset, WCA emphasized that it was not categorically opposed to Globalstar's deployment of ATC, but rather was opposed to consideration of Globalstar's ATC applications at this time. As it has argued in its prior filings with regard to the Globalstar ATC applications, WCA stated that the Commission should not grant Globalstar's ATC applications unless and until the Commission has resolved the pending petitions filed by WCA and others for reconsideration of the Commission's *Report and Order* in IB Docket No. 02-364.

WCA stressed that there is ample reason for the Commission to hold Globalstar's ATC applications in abeyance pending completion of reconsideration in IB Docket No. 02-364. WCA reiterated the reasons discussed in the petition for reconsideration and other filings submitted by the Society of Broadcast Engineers ("SBE") why grandfathered BAS channel A10 operations cannot co-exist with Globalstar's ATC operations in the spectrum designated for ATC in the *Report and Order* (the 2487.5-2493 MHz band). WCA explained why the problem cannot practically be solved merely by imposing frequency coordination obligations on Globalstar, noting that such coordination was impractical given the transient, portable nature of BAS facilities, a point which SBE also has made in its prior filings. WCA pointed out that this is why BAS cannot co-exist with BRS channel 1 at 2496-2500 MHz, a point on which SBE and WCA are in complete agreement. To untie this Gordian knot of interference, WCA's reiterated its proposal that the Commission adopt SBE's "refarming" proposal, under which grandfathered BAS channel A10 operations ultimately would be moved down to the 2474-2486 MHz band, thus eliminating any co-channel interference by and among Globalstar's ATC operations and BAS channel A10, and by and among BAS channel A10 and BRS channel 1.<sup>2</sup>

WCA emphasized that the SBE proposal gives the Commission an unprecedented opportunity to "clean up" the 2483.5-2500 MHz band, and remains the only complete solution for curing the inevitable interference caused by co-channel ATC/BAS and co-channel BAS/BRS facilities. It stressed that the SBE solution is far superior to permitting Globalstar to deploy ATC and hoping that the interference problems caused by leaving BAS channel A10 where it is

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<sup>1</sup> By *Public Notice* released July 8, 2005, the International Bureau designated Globalstar's above-referenced ATC applications as "permit but disclose" for *ex parte* purposes. See *Public Notice*, DA 05-1978, at 2 (rel. July 8, 2005).

<sup>2</sup> However, as is a matter of record in IB Docket No. 02-364, WCA opposes SBE's suggestion that the BRS channel 1 licensees being involuntarily relocated from the 2150-2162 MHz band should bear any of the costs of clearing BAS from the 2496-2500 MHz band.

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somehow resolve themselves. Ultimately, WCA contended, the Commission's objective here should be to find a solution that ensures that *all* users of the band can operate without fear of interference – that objective should be afforded a higher priority than providing Globalstar a head start on its ATC deployment regardless of its impact on BAS and, indirectly, on BRS. WCA thus reiterated that the Commission would best serve the public interest by holding Globalstar's ATC applications in abeyance pending completion of the reconsideration phase of IB Docket No. 02-364, so that the Commission has an opportunity to rule on and implement SBE's refarming proposal before Globalstar's ATC operations can render that proposal moot.<sup>3</sup>

WCA also stressed its concern that premature action by the Commission on Globalstar's ATC application might preclude effective resolution of the problems associated with MSS interference to BRS interference in the 2496-2500 band. WCA cited the technical study it submitted with its petition for reconsideration demonstrating that BRS channel 1 base stations cannot co-exist with Globalstar's downstream MSS operations at 2496-2500 MHz, and emphasized that Globalstar has agreed with WCA that cochannel, co-coverage sharing is not possible. WCA pointed out that because it is unclear whether Globalstar's deployment of ATC might preclude the Commission from removing Globalstar's non-ATC operations from the 2496-2500 MHz band as WCA has proposed, permitting Globalstar to deploy ATC ahead of completion of reconsideration in IB Docket No. 02-364 raises the possibility that Globalstar could deploy ATC and then contend that it cannot reasonably modify its facilities to comport with the Commission's resolution of WCA's proposal. WCA stated that it wishes to avoid the very predicament the Commission now faces in attempting to regulate interference from high-power terrestrial Digital Audio Radio Service ("DARS") repeaters into Wireless Communications Service ("WCS") operations in the 2.3 GHz band – in WCA's view, the Commission has limited its options for dealing with that problem by permitting DARS licensees to deploy their terrestrial repeaters before the WCS interference issue was resolved.

In connection with the pending rulemaking proceeding, WCA also discussed why Globalstar's proposed solution of having MSS and BRS "share" the band should be rejected out of hand, as it would prohibit any use of BRS channel 1 at 2496-2500 MHz outside the top 35 Metropolitan Statistical Areas ("MSAs") and, by virtue of draconian technical limitations Globalstar seeks to impose on BRS licensees, would effectively preclude any BRS operation at 2496-2500 MHz within the top 35 MSAs. WCA reemphasized that since BRS channel 1 is licensed in virtually every Basic Trading Area in the country, this is no solution at all and that the most equitable approach is to delete the MSS co-primary allocation at 2496-2500 MHz.

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<sup>3</sup> Alternatively, if the Commission nonetheless elects to authorize Globalstar to deploy ATC notwithstanding the status of IB Docket No. 02-364, it should condition any grant of the Globalstar ATC applications on the results of reconsideration in that proceeding, including but not limited to any band-clearing or other obligations imposed on Globalstar to ensure that grandfathered BAS channel A10 licensees and relocated BRS channel 1 licensees are protected from harmful interference.

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Should there be any questions concerning this submission, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel for the Wireless Communications  
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